

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
IN ADMIRALTY**

IN THE MATTER OF THE COMPLAINT
OF ISLAND PARTY BOAT, LLC AND
JOSEPH KORONKIEWICZ, AS OWNER
AND OWNER PRO HAC VICE OF A 2016
KEY WEST 239 FS, HIN# KWEEF107G516,
IL1764RC,
FOR EXONERATION FROM OR
LIMITATION OF LIABILITY

Case No.

**COMPLAINT IN ADMIRALTY
FOR EXONERATION FROM OR LIMITATION OF LIABILITY**

NOW COME Limitation Plaintiffs Island Party Boat, LLC and Joseph Koronkiewicz (hereinafter, individually, a “Limitation Plaintiff”, and collectively, the “Limitation Plaintiffs”), as, respectively, owner and owner *pro hac vice* of the 2016 Key West 239 FS recreational vessel, (Hull Identification Number: KWEEF107G516, Illinois Registration IL1764RC, hereinafter, the “Limitation Vessel”) in this action for exoneration from or limitation of liability arising from an accident that occurred on July 26, 2020 on Lake Michigan, near Burnham Harbor, Chicago, Illinois (hereinafter, “the Accident”), and alleges as follows:

Jurisdiction and Venue

1. This is a case within the admiralty and maritime jurisdiction of the United States of America within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and is brought pursuant to the federal Vessel Owner’s Limitation of Liability Act, 46 U.S.C. §§ 30501, *et seq.*

2. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1333. Venue is proper in this Court pursuant to Supplemental Rule F(9) of the Federal Rules of Civil Procedure, as the Limitation Vessel has not been attached or arrested, the Limitation Vessel is located within this District, and an action was filed against Limitation Plaintiff Island Party Boat, LLC in the Circuit Court of Cook County, Illinois, alleging a personal injury on the Limitation Vessel, within this District.

3. The Cook County Circuit Court action was filed on August 26, 2020, and the alleged injury occurred on July 26, 2020. This action is filed within the six-month period specified by 46 U.S.C. § 30511(a).

The Limitation Plaintiffs and the Limitation Vessel

4. At all material times, Limitation Plaintiff Joseph Koronkiewicz was and is an Illinois resident, residing in Chicago, Illinois.

5. At all material times, Limitation Plaintiff Island Party Boat, LLC was and is an Illinois limited liability company, with a principal place of business in Chicago, Illinois.

6. The Limitation Vessel, is a 2016 Key West 239 FS recreational vessel, Hull Identification Number: KWEEF167G516, bearing Illinois Registration IL1764RC, purchased by Joseph Koronkiewicz and Island Party Boat, LLC on July 7, 2018.

7. Although the Limitation Vessel was purchased and titled in the name of both Island Party Boat, LLC and Joseph Koronkiewicz (as a managing partner of Island Party Boat, LLC), at all material times, Joseph Koronkiewicz was the sole owner *pro hac vice* of the Limitation Vessel.

8. At all material times, Limitation Plaintiff Joseph Koronkiewicz used the Limitation Vessel for personal—not commercial—use, and Joseph Koronkiewicz was, and is, solely responsible for the maintenance and operation of the Limitation Vessel.

9. At no time material to this action did Limitation Plaintiff Island Party Boat, LLC, one of the titled owners of the Limitation Vessel, use the Limitation Vessel for business purposes. Instead, Island Party Boat, LLC granted to Joseph Koronkiewicz the exclusive custody, control, possession, and use of the Limitation Vessel for any and all purposes.

10. The Limitation Vessel is currently located within the Northern District of Illinois.

The Accident

11. On July 26, 2020, Limitation Plaintiff Joseph Koronkiewicz's brother, Randy Koronkiewicz, with the permission of Joseph Koronkiewicz, took the Limitation Vessel out for a trip to the beach in Indiana with a group of friends, including Nancy Griffin, Lyn Malevitis, Jim Malevitis, and Jim and Lyn's adult daughter and her boyfriend.

12. As the Limitation Vessel was about to depart the dock on its voyage to the beach, Randy Koronkiewicz offered to give a ride to Burnham Harbor to of his co-workers, Matt Gough, as Burnham Harbor was on the way to the beach in Indiana (hereinafter, the "Voyage").

13. During the Voyage, the Limitation Vessel encountered a passing motorboat's wake, which caused one of the Limitation Vessel's passengers, Lyn Malevitis, to rise up and come back down on her seat, allegedly causing injury to her back (hereinafter, the "Accident").

14. Limitation Plaintiff Joseph Koronkiewicz was not aboard the Limitation Vessel at time of the Accident, nor did he witness the Accident.

15. Limitation Plaintiff Island Party Boat, LLC was not aboard or operating the Limitation Vessel at the time of the Accident, nor did it witness the Accident.

16. The fair market value of the Limitation Vessel at the end of the Voyage is estimated to be \$41,000.00 dollars. (A true and correct copy of an Affidavit of Marine Surveyor Rick Lenschow is attached to this Complaint as its **Exhibit 1**).

17. The Limitation Vessel had no pending freight at the conclusion of the Voyage.

18. Because the Accident occurred on July 26, 2020, there could be no written notices of potential claims made more than six months prior to the filing of this Complaint.

19. On or about August 26, 2020, Lyn Malevitis, by counsel, filed suit against Randy Koronkiewicz, Island Party Boat, LLC, and Mark Stern in the Circuit Court of Cook County, Illinois, seeking an unspecified amount of damages. (A true and correct copy of the Complaint is attached to this Complaint as its **Exhibit 2**).

20. The Complaint alleges “serious and permanent injuries,” and references continued medical care, pain and suffering, and lost earnings. *See* Ex. 2. The allegations contained within the Complaint describe damages suffered by Ms. Malevitis that are reasonably likely to exceed the fair market value of the Limitation Vessel at the conclusion of the Voyage.

21. Lake Michigan, near Burnham Harbor in Chicago, Illinois, where the Accident approximately occurred, is a navigable waterway of the United States, subject to federal admiralty jurisdiction.

22. The Accident that occurred on the navigable waters of the United States had the potential to have a disruptive impact on maritime commerce because personal injuries occurring on the navigable waterways, may, *inter alia*, obstruct the navigable waterway or require rescue and/or salvage efforts that disrupt maritime commerce.

23. The navigation of a recreational vessel on a navigable waterway, like the Limitation Vessel’s Voyage and navigation on Lake Michigan, is a traditional maritime activity.

Limitation Plaintiffs’ Claim for Exoneration or Limitation

24. The Limitation Plaintiffs file this claim for exoneration from or limitation of liability, pursuant to 46 U.S.C. §§ 30501–30512.

25. Subject to an appraisal of each of their interests in the Limitation Vessel, the Limitation Plaintiffs herewith deposit with the Court, as security for the benefit of any forthcoming claimants, an *Ad Interim* Stipulation of Value in the amount of Forty-One Thousand and 00/100 (\$41,000.00) (U.S.), plus interest at six percent (6%) per annum, from the date of the *Ad Interim* Stipulation of Value.

26. The Limitation Plaintiffs are also depositing with this Court a Letter of Undertaking, executed by Progressive Universal Insurance Company, as security for the total value of their interest in the Vessel, in the amount stated in the *Ad Interim* Stipulation of Value.

27. In addition, the Limitation Plaintiffs are also depositing with the Court, coincident with the filing of its Limitation Complaint, a Stipulation for Costs in the sum of One Thousand Dollars and 00/100 (\$1,000.00) (U.S.) as security for costs, in accordance with Supplemental Admiralty Rule F(1).

28. At all material times, the Limitation Vessel was seaworthy, properly maintained, manned, equipped and supplied, and fit and safe for her intended purpose, and the Limitation Plaintiffs did not have privity or knowledge of the Limitation Vessel's negligence and/or any unseaworthiness of the Limitation Vessel that may have caused or otherwise occasioned the Accident.

29. Each of the Limitation Plaintiffs claim the benefit of the Limitation of Liability Act, 46 U.S.C. §§ 30501, *et seq.*, and the various acts amendatory and supplemental thereto and, in this same proceeding, contests liability and the liability of the Limitation Vessel for any loss or injury arising out of the Accident or coincident with the Voyage.

30. The Accident and all injuries and damages caused thereby or otherwise incurred during or arising from the Accident or coincident with the Voyage were not due to any fault,

negligence, or lack of due care on the part of either of the Limitation Plaintiffs or the Limitation Vessel, nor were any injuries, losses, and damages occasioned by any unseaworthiness of the Limitation Vessel. Instead, any injuries, losses, and damages incurred during or arising from the Accident or coincident with the Voyage were due solely to and caused solely by the negligence of others for whom the Limitation Plaintiffs cannot be responsible.

31. Both of the Limitation Plaintiffs contest liability and the liability of the Limitation Vessel for any injuries, losses, or damages occasioned or incurred during or arising from the Accident or coincident with the Voyage and have valid defenses thereto based upon the facts and law.

32. Although filing the *Ad Interim* Stipulation of Value and corresponding Letter of Undertaking herein, each of the Limitation Plaintiffs expressly deny that Island Party Boat, LLC, Joseph Koronkiewicz, or the Limitation Vessel is liable for any loss, injury, or damage.

33. The Limitation Plaintiffs hereby claim and reserve the right to contest in this, or any other court, any claim of liability against either Island Party Boat, LLC or Joseph Koronkiewicz, *in personam*, or the Limitation Vessel, *in rem*.

WHEREFORE, Limitation Plaintiffs, Island Party Boat, LLC and Joseph Koronkiewicz, pray that this Honorable Court will:

1. Enter an Order approving the above-described *Ad Interim* Stipulation of Value, in the amount of Forty-One Thousand and 00/100 (\$41,000.00) (U.S.), for which the Limitation Plaintiffs deposit a Letter of Undertaking executed by Progressive Universal Insurance Company with the Court, as security for the total value of their interest in the Limitation Vessel, and also approving the Stipulation for Costs in the amount of One Thousand Dollars 00/100 (\$1,000.00) (U.S.);

2. Issue a notice to all persons asserting claims, with respect to which the Limitation Plaintiffs seek limitation, admonishing them to file their respective claims with the Clerk of this Court and to serve on attorneys for the Limitation Plaintiffs a copy thereof and an answer to this Complaint (unless the claim includes an answer so designated) on or before a date to be fixed by the Court;

3. Issue an injunction restraining and enjoining the prosecution of any and all suits, actions or proceedings already commenced or to be commenced and the commencement and prosecution thereafter of any and all suits, actions or proceedings of any nature or description in any jurisdiction against either of the Limitation Plaintiffs as aforesaid or against the Limitation Vessel or against any other property of either of the Limitation Plaintiffs except in this action, to recover damages for or in respect of any loss, damage, injury, death or destruction done, occasioned or incurred during the Accident or coincident with the Voyage;

4. Enter judgment in favor of both Limitation Plaintiffs exonerating each of them from any loss, damage, injury or liability for any claims in any way arising out of or resulting from the Accident or coincident with the Voyage;

5. If either of the Limitation Plaintiffs shall be judged liable and is found to have any interest remaining in the Limitation Vessel, limit the liability of that Limitation Plaintiff to the value of such interest; and

6. Afford to the Limitation Plaintiffs such other and further relief as the Court deems just and proper.

Dated: December 9, 2020

Respectfully submitted,

JOSEPH KORONKIEWICZ

D. William Porter, ARDC #6183435
Joseph Vallort, ARDC #6209211
CHILTON YAMBERT PORTER LLP
2000 South Batavia Avenue, Suite 200
Geneva, IL 60134
Phone: 630-262-4000
Fax: 630-262-1144
Email: bporter@cyp-law.com
jvallort@cyp-law.com

By: /s/ D. William Porter

D. William Porter
*Counsel for Limitation Plaintiff Joseph
Koronkiewicz*

Counsel for Limitation Plaintiff Joseph Koronkiewicz

Christopher A. Abel
(*pro hac vice application forthcoming*)
Jeanne E. Noonan
(*pro hac vice application forthcoming*)
Willcox & Savage, P.C.
440 Monticello Avenue, Suite 2200
Norfolk, Virginia 23510
Telephone: 757.628.5500
Facsimile: 757.628.5566
cabel@wilsav.com
jnoonan@wilsav.com
Counsel for Limitation Plaintiff Joseph Koronkiewicz

Dated: December 9, 2020

Respectfully submitted,

ISLAND PARTY BOAT, LLC

Randall W. Slade
Franco Moroney Buenik, LLC
500 W. Madison St., Suite 2440
Chicago, IL 60661
312-466-7225
Randall.slade@francomoroney.com
*Counsel for Limitation Plaintiff Island Party Boat,
LLC*

By: /s/ Randall W. Slade with permission

Randall W. Slade
*Counsel for Limitation Plaintiff Island
Party Boat, LLC*

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION
IN ADMIRALTY**

IN THE MATTER OF THE COMPLAINT
OF ISLAND PARTY BOAT, LLC AND
JOSEPH KORONKIEWICZ, AS OWNER
AND OWNER PRO HAC VICE OF A 2016
KEY WEST 239 FS, HIN# KWEEF107G516,
IL1764RC,
FOR EXONERATION FROM OR
LIMITATION OF LIABILITY

Case No.

I, Rick W. Lenschow, being duly sworn, submit the following affidavit:

1. My name is Rick W. Lenschow. I am over the age of 18 and competent to make this Affidavit.
2. I am the principal marine surveyor of Certified Marine Surveyors, LLC.
3. I am accredited by the Society of Accredited Marine Surveyors (SAMS), and I have been a SAMS accredited marine surveyor since 1997.
4. In the course and scope of my duties as a marine surveyor, I am often required to assess and/or estimate the value of watercraft.
5. I have personally surveyed the 2016 Key West 239 FS, HIN# KWEEF107G516, IL1764RC (hereinafter, the "Limitation Vessel") on October 27, 2020, in order to determine the Limitation Vessel's post-casualty value.
6. At the time of the loss, on or about July 26, 2020, there was no pending freight aboard the Limitation Vessel.

7. I estimate that the Limitation Vessel's current fair market value, and fair market value at the time of the loss, on or about July 26, 2020, in the Chicago, Illinois area to be \$41,000.00.

8. The foregoing estimate is true, correct, and accurate to the best of my knowledge and information, and based on my training and experience as an accredited SAMS marine surveyor, working in the state of Illinois.

FURTHER THE AFFIANT SAYETH NOT.

A handwritten signature in black ink, reading "Rick W. Lenschow", with a long horizontal flourish extending to the right.

Rick W. Lenschow, Principal Surveyor
Certified Marine Surveyors, LLC

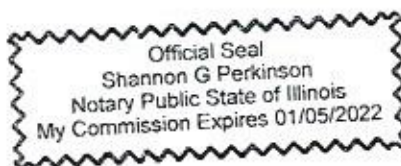
STATE OF Illinois, CITY / COUNTY OF DeKalb to wit:

On this 20th day of November, 2020, before me, a notary in and for the State of Illinois in the City or County aforesaid, personally appeared Rick W. Lenschow, who:

 is personally known to me, or ✓ has produced Driver's license as identification, appeared before me, a notary in and for the State of Illinois, and being duly sworn, executed the foregoing Affidavit and acknowledged the Affidavit to be his free and voluntary act and deed.

IN WITNESS WHEREOF I have hereunto set my hand and official seal, this day and year first written above.

Shannon G Perkinson
Notary Public



Notary Registration Number: _____

My Commission Expires: 01/05/2022

EXHIBIT 2

FILED
8/26/2020 8:47 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
10230024

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

LYN MALEVITIS,

Plaintiffs,

vs.

RANDY KORONKIEWICZ, individually and as employee)
and/or agent of ISLAND PARTY BOAT, LLC, an Illinois)
limited liability company, ISLAND PARTY BOAT, LLC,)
an Illinois limited liability company, and MARK)
STERN,)

Defendants.)

NO.: 2020 L 2020L009124

PLAINTIFF'S COMPLAINT AT LAW

NOW COMES the Plaintiff, Lynn Malevitis, ("Malevitis") by and through her attorney, John L. Malevitis, Esq., of Paladin Law, Ltd. and complaining of Randy Koronkiewicz, ("Koronkiewicz") individually and as employee and/or agent of Island Party Boat, LLC, an Illinois limited liability company, Island Party Boat, LLC, an Illinois limited liability company, ("Island Party") and Mark Stern, ("Stern") here states as follows:

COUNT I – NEGLIGENCE- (RANDY KORONKIEWICZ, individually and as employee and/or agent of ISLAND PARTY BOAT, LLC, an Illinois limited liability company)

FACTS COMMON TO ALL DEFENDANTS

1. Defendant Koronkiewicz is an individual residing in Chicago, Cook County, and at all relevant times herein alleged, was employed by Defendant Island Party Boat, LLC. Defendant Island Party Boat, LLC, an Illinois limited liability company and as duly authorized principal and employer of Defendants Koronkiewicz, is a legal resident of the State of Illinois and regularly conducts business in Cook County, Illinois, said business and conduct giving rise to the allegations contained herein.

2. Defendant Koronkiewicz was at all relevant times herein alleged duly authorized employee, agent and representative of and on behalf of Island Party Boat, LLC, said business and conduct giving rise to the allegations alleged herein.
3. On July 26, 2020 Defendant Koronkiewicz at the aforesaid time and place was operating a motorboat owned by Defendant Island Party at or near the area east of Burnham Harbor in Chicago, County of Cook, State of Illinois.
4. At all times relevant herein, Defendant Koronkiewicz was an employee and/or agent of defendant Party Boat and was acting within the scope of his employment with Defendant Party Boat.
5. Defendant Island Party Boat, LLC, an Illinois limited liability company and as duly authorized principal and employer of Defendant Koronkiewicz is a legal resident of the State of Illinois and regularly conducts business in Cook County, Illinois, said business and conduct giving rise to the allegations contained herein.
6. That on July 26, 2020, Lake Michigan, was located, in relevant part as herein alleged, in Chicago, County of Cook, Illinois.
7. That on or about July 26, 2020 the Defendant Island Party Boat owned, controlled, maintained and possessed a certain motorboat, to wit: approximately 23 foot Key West, (hereinafter referred to as "motorboat") which was then and there operated on the date as aforesaid by Defendant Island Party's employee, Defendant Koronkiewicz, in a generally southerly direction on Lake Michigan at or near Burnham Harbor in Chicago, County of Cook, Illinois.
8. On July 26, 2020 Defendant Koronkiewicz at the aforesaid time and place, was

operating said motorboat owned by Defendant Island Party and Defendant Stern on Lake Michigan in Chicago, County of Cook, State of Illinois.

9. That on July 26, 2020 Defendant Korokiewicz during the scope of his employment with Defendant Island Party and upon the direction of Defendant Island Party and on behalf of Defendant Island Party with its full knowledge, control and authorization as its employees and agents, ordered Defendant Koronkiewicz to drive, ferry and transport an unknown named employee of Defendant Island Party to a location in order to attend to the further company and business affairs of Defendant Island Party.

10. That on July 26, 2020, the Plaintiff Lyn Malevitis was an invitee and guest of Defendants, and each of them, aboard said Motorboat which was then and there operated by the Defendant Koronkiewicz in a generally southerly direction on Lake Michigan east at or near Burnham Harbor in Chicago, County of Cook, Illinois.

11. At all times hereto material, it became and was the duty of the Defendant Koronkiewicz, individually and as employee and/or agent of Defendant Island Party, to operate and control the motorboat in such a manner so as not to cause harm and injury to persons in general and to the Plaintiff Lyn Malevitis in particular while lawfully upon the public waterways and Lake Michigan.

12. On the aforesaid date, the motorboat driven and operated by the Defendant Koronkiewicz while traveling at a very high, excessive, and dangerous speed, came into contact with several large waves and swells on said Lake Michigan.

13. In breach of his duty of care, Defendant Koronkiewicz, individually and as employee and/or agent of Defendant Island Party, was guilty of one or more of the following negligent acts and/or omissions:

- a. Carelessly and negligently drove and operated said motorboat at a greater rate of speed that was reasonable and proper for the conditions and circumstances of said Lake Michigan contrary to and in violation of the law in the State of Illinois;
- b. Carelessly and negligently failed to equip and provide said motorboat with adequate and proper brakes to stop or hold the movement of said motorboat, contrary to and in violation of the law in the State of Illinois;
- c. Carelessly and negligently failed to keep said motorboat under sufficient and proper control;
- d. Carelessly and negligently failed to keep a proper lookout for dangerous waves and swells upon said Lake Michigan;
- e. Carelessly and negligently failed to slow or stop the motorboat to avoid colliding with the dangerous waves and swells upon said Lake Michigan;
- f. Carelessly and negligently operated and drove said motorboat directly into several large waves and swells on said Lake Michigan;
- g. Carelessly and negligently failed to warn the Plaintiff that an impact with large waves and swells was imminent;
- h. Carelessly and negligently failed to check the weather and/or water conditions of Lake Michigan prior to operating the motorboat;
- i. Carelessly and negligently failed to exercise due care in the operation of the motorboat;
- j. Was otherwise careless and negligent in the operation of the motorboat.

14. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of Defendant, Koronkiewicz, as an employee and/or agent of defendant Island Party Boat, LLC, an Illinois limited liability company, Plaintiff Lyn Malevitis sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future expend, great sums of money to be healed

and cured of her maladies; suffered, and will in the future continue to suffer, great pain, anguish and physical and mental suffering; and was deprived of earnings to which he might have otherwise been entitled.

WHEREFORE, Plaintiff Lyn Malevitis prays for judgment against Defendant Randy Koronkiewicz, individually, and as employee and/or agent of Island Party Boat, LLC, an Illinois limited liability company, in an amount in excess of the jurisdictional minimum, plus costs of suit, and any further relief which this Honorable Court finds fair and just.

COUNT II – RESPONDEAT SUPERIOR- (ISLAND PARTY BOAT, LLC, an Illinois limited liability company)

15. At all times relevant herein, Defendant Koronkiewicz was an employee and/or agent of Defendant Island Party and was acting within the scope of his employment with Defendant Island Party.

16. At the aforesaid time and place Defendant Koronkiewicz, as an employee and/or agent of Defendant Island Party, owed the Plaintiff and others lawfully on the waterways and upon Lake Michigan a duty to operate his motorboat safely and to exercise ordinary care so as to not negligently cause injury to those persons lawfully on the waterway and upon Lake Michigan to include Plaintiff herein, Lyn Malevitis.

17. At the aforesaid time and place, Defendant Koronkiewicz, drove the motorboat into dangerous waves and swells upon said Lake Michigan.

18. In breach of his duty of care, Defendant Koronkiewicz, individually and as employee and/or agent of Defendant Island Party, was guilty of one or more of the following negligent acts and/or omissions:

- a. Carelessly and negligently drove and operated said Motorboat at a greater rate of speed that was reasonable and proper for the conditions and circumstances of said Lake Michigan contrary to and in violation of the Gronkiewicz law in the State of Illinois;
 - b. Carelessly and negligently failed to equip and provide said Motorboat with adequate and proper brakes to stop or hold the movement of said motorboat, contrary to and in violation of the law in the State of Illinois;
 - c. Carelessly and negligently failed to keep said motorboat under sufficient and proper control;
 - d. Carelessly and negligently failed to keep a proper lookout for dangerous waves and swells upon said Lake Michigan;
 - e. Carelessly and negligently failed to slow or stop the mortorboat to avoid colliding with the dangerous waves and swells upon said Lake Michigan;
 - f. Carelessly and negligently operated and drove said motorboat directly into several large waves and swells on said Lake Michigan;
 - g. Carelessly and negligently failed to warn the Plaintiff that an impact with large waves and swells was imminent;
 - h. Carelessly and negligently failed to check the weather and/or water conditions of Lake Michigan prior to operating the Motorboat;
 - i. Carelessly and negligently failed to exercise due care in the operation of the motorboat;
 - j. Was otherwise careless and negligent in the operation of the motorboat.
19. As a direct and proximate result of one or more of the foregoing negligent acts or omissions of Defendant, Koronkiewicz as an employee and/or agent of defendant Island Party Boat, LLC, an Illinois limited liability company, Plaintiff, Lyn Malevitis sustained serious and permanent injuries; was required to seek extensive medical consultation and treatment; has expended, and will in the future expend, great sums of money to be healed and cured of her maladies; suffered, and will in the future continue to suffer, great pain,

anguish and physical and mental suffering; and was deprived of earnings to which he might have otherwise been entitled.

WHEREFORE, Plaintiff Lyn Malevitis prays for judgment against Defendant Island Party Boat, LLC, an Illinois limited liability company in an amount in excess of the jurisdictional minimum, plus costs of suit, and any further relief which this Honorable Court finds fair and just.

COUNT III-NEGLIGENT ENTRUSTMENT (ISLAND PARTY BOAT AND STERN)

20. For Plaintiff's paragraph 20, Plaintiff repeats, realleges and incorporates herein paragraphs 1 through 19 of Count I of this Complaint as if the same were fully set forth herein.

21. The injuries, harm, and permanent damages were incurred by the Plaintiff as a direct result of the use and operation of the motorboat operated and driven by Defendant Koronkiewicz in a negligent and reckless manner, which because of Defendant Koronkiewicz' incompetency, inexperience, recklessness, prior boating and driving accidents and/or prior boating and driving actions, Defendants Island Party and Defendant Stern, and each of them, knew and/or should have known that Defendant Koronkiewicz either intended or was likely to use the motorboat in such a manner as to create an unreasonable risk of harm to others, including the Plaintiff herein.

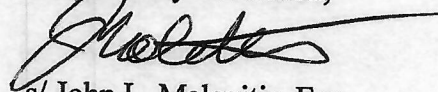
22. Defendant Island Party and Defendant Mark Stern, and each of them, as owners of the motorboat involved in the accident herein, had the right to permit and the power to prohibit the use of the motorboat driven and operated by Defendant Koronkiewicz, and as owner of the vehicle involved in the accident, had the authority to grant or withhold consent to Defendant Koronkiewicz's operation of the motorboat as alleged hereto.

23. Defendant Island Party and Defendant Stern, and each of them, knew or should have known that because of Defendant Koronkiewicz's incompetency, inexperience, recklessness, prior boating and driving accidents and/or prior boating and driving actions that Defendant Koronkiewicz either intended or was likely to use the motorboat in such a manner as to create an unreasonable risk of harm to others, including the Plaintiff herein.

24. As a direct and proximate result of Defendant Island Party and Defendant Stern, and each of them, negligently entrusting Defendant Koronkiewicz, who operated said motorboat owned by Defendant Island Party and Defendant Stern in a negligent and reckless manner, Defendant Koronkiewicz did on the date as aforesaid create an unreasonable risk of harm that caused injury to the Plaintiff Lyn Malevitis, who as a direct result of the entrustment herein has endured pain and suffering, disability and disfigurement, loss of a normal life, loss of the ability to enjoy life, and incurred medical expenses and loss of future earnings, all of which are permanent.

WHEREFORE the Plaintiff demands judgment against Defendant Island Party Boat, LLC, an Illinois limited liability company, and Defendant Mark Stern, and each of them, joint and several, in an amount in excess of the jurisdictional minimum of this Court, plus costs, and any other relief that the Court deems appropriate.

Respectfully submitted,



s/ John L. Malevitis, Esq.

Paladin Law, Ltd.
109 Symonds Drive
P. O. Box 156
Hinsdale, Illinois 60522
312/ 933-1100
Atty. No.: 13049
jhnymal@comcast.net

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served By Publication
Summons - Alias Summons

2121 - Served
2221 - Not Served
2321 - Served By Mail
2421 - Served By Publication

(08/01/18) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LYN MALEVITIS,

(Name all parties)

v.

ISLAND PARTY BOAT, LLC, et. al.,

Case No. 2020 L 2020L009124

☒ SUMMONS ☐ ALIAS SUMMONS

To each Defendant:

*Island Party Boat, LLC, c/o Mark Stern, 2422 North
Burling Avenue, Chicago, Illinois 60614*

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance and pay the required fee **within thirty (30) days after service of this Summons**, not counting the day of service. To file your answer or appearance you need access to the internet. Please visit www.cookcountyclerkofcourt.org to initiate this process. Kiosks with internet access are available at all Clerk's Office locations. Please refer to the last page of this document for location information.

If you fail to do so, a judgment by default may be entered against you for the relief requested in the complaint.

To the Officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

Dorothy Brown, Clerk of the Circuit Court of Cook County, Illinois
cookcountyclerkofcourt.org

Summons - Alias Summons

(08/01/18) CCG 0001 B

E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp>, or talk with your local circuit clerk's office.

Atty. No.: 13039

Witness: _____

Atty Name: John L. Malevitis, Esq.

8/26/2020 8:47 AM DOROTHY BROWN

Atty. for: Plaintiff

DOROTHY BROWN Clerk of Court

Address: 109 Symonds Drive, P. O. Box 156

City: Hinsdale

Date of Service: _____
(To be inserted by office on copy left with
Defendant or other person)

State: IL Zip: 60522

Telephone: 312/933-1100

Primary Email: jhnymal@comcast.net



CLERK OF THE CIRCUIT COURT OF COOK COUNTY OFFICE LOCATIONS

- Richard J Daley Center
50 W Washington
Chicago, IL 60602
 - District 2 - Skokie
5600 Old Orchard Rd
Skokie, IL 60077
 - District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008
 - District 4 - Maywood
1500 Maybrook Ave
Maywood, IL 60153
 - District 5 - Bridgeview
10220 S 76th Ave
Bridgeview, IL 60455
 - District 6 - Markham
16501 S Kedzie Pkwy
Markham, IL 60428
 - Domestic Violence Court
555 W Harrison
Chicago, IL 60607
 - Juvenile Center Building
2245 W Ogden Ave, Rm 13
Chicago, IL 60602
 - Criminal Court Building
2650 S California Ave, Rm 526
Chicago, IL 60608
 - Domestic Relations Division
Richard J Daley Center
50 W Washington, Rm 802
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Civil Appeals
Richard J Daley Center
50 W Washington, Rm 801
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - Criminal Department
Richard J Daley Center
50 W Washington, Rm 1006
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
 - County Division
Richard J Daley Center
50 W Washington, Rm 1202
Chicago, IL 60602
Hours: 8:30 am - 4:30 pm
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- Daley Center Divisions/Departments**
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50 W Washington, Rm 601
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2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served By Publication
Summons - Alias Summons

2121 - Served
2221 - Not Served
2321 - Served By Mail
2421 - Served By Publication

(08/01/18) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LYN MALEVITIS,

(Name all parties)

v.

MARK STERN, et. al.,

Case No. 2020 L 2020L009124

☒ SUMMONS ☐ ALIAS SUMMONS

To each Defendant:

MARK STERN, 2422 North Burling Avenue, Chicago, IL 60614

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance and pay the required fee **within thirty (30) days after service of this Summons**, not counting the day of service. To file your answer or appearance you need access to the internet. Please visit www.cookcountyclerkofcourt.org to initiate this process. Kiosks with internet access are available at all Clerk's Office locations. Please refer to the last page of this document for location information.

If you fail to do so, a judgment by default may be entered against you for the relief requested in the complaint.

To the Officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than thirty (30) days after its date.

Dorothy Brown, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

Summons - Alias Summons

(08/01/18) CCG 0001 B

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Atty. No.: 13039

Witness: _____

Atty Name: John L. Malevitis, Esq.

8/26/2020 8:47 AM DOROTHY BROWN

Atty. for: Plaintiff

DOROTHY BROWN Clerk of Court

Address: 109 Symonds Drive, P. O. Box 156

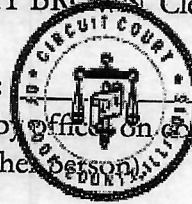
City: Hinsdale

Date of Service: _____
(To be inserted by office on copy left with
Defendant or other person)

State: IL Zip: 60522

Telephone: 312/933-1100

Primary Email: jhnymal@comcast.net



CLERK OF THE CIRCUIT COURT OF COOK COUNTY OFFICE LOCATIONS

- Richard J Daley Center
50 W Washington
Chicago, IL 60602
 - District 2 - Skokie
5600 Old Orchard Rd
Skokie, IL 60077
 - District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008
 - District 4 - Maywood
1500 Maybrook Ave
Maywood, IL 60153
 - District 5 - Bridgeview
10220 S 76th Ave
Bridgeview, IL 60455
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(08/01/18) CCG 0001 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

LYN MALEVITIS,

(Name all parties)

v.

RANDY KORONKIEWICZ, et. al.,

Case No. 2020 L 2020L009124

☒ SUMMONS ☐ ALIAS SUMMONS

To each Defendant:

*RANDY KORONKIEWICZ, 3104 South Canal Street,
CHICAGO, ILLINOIS 60616*

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance and pay the required fee **within thirty (30) days after service of this Summons**, not counting the day of service. To file your answer or appearance you need access to the internet. Please visit www.cookcountyclerkofcourt.org to initiate this process. Kiosks with internet access are available at all Clerk's Office locations. Please refer to the last page of this document for location information.

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(08/01/18) CCG 0001 B

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Atty. No.: 13039

Witness: _____

Atty Name: John L. Malevitis, Esq.

Atty. for: Plaintiff

8/26/2020 8:47 AM DOROTHY BROWN

Address: 109 Symonds Drive, P. O. Box 156

DOROTHY BROWN Clerk of Court

City: Hinsdale

Date of Service: _____
(To be inserted by Officer on copy left with
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State: IL Zip: 60522

Telephone: 312/933-1100

Primary Email: jhnymal@comcast.net



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